



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,632	08/15/2001	Stephen C. Suffin	10701-010-999	2479

7590 01/14/2005
Peter G Carroll
Medlen & Carroll, LLP
101 Howard Street
Suite 350
San Francisco, CA 94105

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Notice of Non-Responsive Amendment

1. The reply filed on November 2, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has cancelled all previously pending claims (claims 9-19) and added new claims 20-54. Newly submitted claims 20-54 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 9-19 and claims 20-54 are related as subcombinations usable together. Claims 9-19 were directed toward a method for predicting the likelihood of response to medication of a patient with a behaviorally-diagnosed psychiatric condition while claims 20-54 are directed toward a method for reporting patient EEG data.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 20-54 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. This leaves no claims pending for examination.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 3623

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623
1/11/05